

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAY SHUMAN,

No. C 09-00003 WHA

Plaintiff,

v.

**ORDER RE MOTION TO STAY  
AND REQUEST FOR  
EXTENSION OF TIME TO FILE**

LEVI STRAUSS & CO.,

Defendant.

Plaintiff filed this ADA action in the district court on January 2, 2009. Plaintiff had previously filed an action in state court which, defendant indicates, raised identical factual allegations. The state action was subsequently removed to federal court and assigned to Judge Jeffrey White (No. 09-279 JSW).


Defendant has moved for a stay of the proceedings in this action pending the outcome of an anticipated motion to remand the parallel state action. Plaintiff anticipates filing the remand motion February 20, 2009, to be heard in March. Plaintiff filed a statement of non-opposition to the motion to stay. The motion is **GRANTED IN PART AND DENIED IN PART**. Apart from the deadline for defendant to respond to the complaint, discussed hereafter, the only pending deadlines in this action are those set forth in the ADR Scheduling Order (Dkt. No. 3). All deadlines therein are vacated with the exception of the case management conference, which is scheduled for April 9, 2009. The CMC will remain scheduled for that date. The parties should file a joint case management conference statement seven days prior to the conference. The Court may consider a brief continuance if the remand motion has yet to be decided at that time.

1 The parties also filed a stipulation to extend the deadline for defendant's first responsive  
2 pleading pending resolution of the motion to stay in which they request that the deadline be ten  
3 days after the entry of the order on the motion to stay. The request to extend time is hereby

4 **GRANTED.**

5  
6 **IT IS SO ORDERED.**

7  
8 Dated: February 11, 2009

  
\_\_\_\_\_  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE